IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:11-CT-3271-FL

TONY R. FAULK,)	
Plaintiffs,)	
v.)	ORDER
LIZMAR BOSQUES,)	
Defendant.)	

Plaintiff filed this action pursuant to 42 U.S.C. § 1983. The matter is before the court on plaintiff's notice of voluntary dismissal (DE # 3). An action may be dismissed voluntarily by plaintiff without order of the court by filing a notice of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment. See Fed. R.Civ. P. 41(a)(1). Otherwise an action shall not be dismissed on the plaintiff's request except upon an order of the court. See Fed. R.Civ. P. 41(a)(2). At this point, defendant has not filed any responsive pleading. Accordingly, plaintiff's action is DISMISSED without prejudice.

SO ORDERED, this the day of February, 2012.

LOUISE W. FLANAGAN
United States District Judge